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COMBINED PUBLIC MEETING
BEFORE THE
STATE WASTER RESOURCES CONTROL BOARD AND
THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
IN THE MATTER OF THE:)
)
REGULATIONS TO IMPLEMENT AB 1220)
)
_____)

DATE AND TIME: THURSDAY, JANUARY 23, 1997
2 P.M.

PLACE: ENERGY RESOURCES, CONSERVATION
AND DEVELOPMENT COMMISSION
HEARING ROOM A
1516 9TH STREET SACRAMENTO,
CALIFORNIA

REPORTER: BETH C. DRAIN, RPR, CSR
CERTIFICATE NO. 7152

BRS FILE NO.: 37858

APPEARANCES

FOR THE STATE WATER RESOURCES CONTROL BOARD:

MR. JOHN CAFFREY, CHAIRMAN

MS. MARY JANE FORSTER, MEMBER MR. MARC

DEL PIERO, MEMBER

MR. JAMES M. STUBCHAER, MEMBER

STAFF PRESENT

MS. MAUREEN MARCHE, BOARD SECRETARY

MR. JOHN RICHARDS

MS. LISA BABCOCK MS. LIZ HAVEN MR. ED
WOSIKA

FOR THE INTEGRATED WASTE MANAGEMENT BOARD:

MR. DANIEL G. PENNINGTON, CHAIRMAN MR.

ROBERT C. FRAZEE, VICE CHAIRMAN MR.

WESLEY CHESBRO, MEMBER

MS. JANET GOTCH, MEMBER MR. PAUL RELIS, MEMBER,
MR. STEVEN R. JONES, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER

MS. KATHRYN TOBIAS, LEGAL COUNSEL MS. MARLENE

KELLY, BOARD SECRETARY MS. SHARON ANDERSON

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ITEM 40: CONSIDERATION OF ADOPTION OF NEGATIVE DECLARATION AND CIWMB PORTION OF COMBINED STATE WATER RESOURCES CONTROL BOARD/CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD CCR TITLE 27 PROPOSED REGULATIONS TO IMPLEMENT AB 1220	
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1 SACRAMENTO, CALIFORNIA; THURSDAY, JANUARY 23,
1997

2 2 P.M.

3

4 CHAIRMAN PENNINGTON: GOOD AFTERNOON AND
5 WELCOME TO THE COMBINED PUBLIC MEETING OF THE
6 STATE WATER RESOURCES CONTROL BOARD AND
CALIFORNIA

7 INTEGRATED WASTE MANAGEMENT BOARD. I'M DAN
8 PENNINGTON, CHAIRMAN OF THE BOARD, THE WASTE
9 MANAGEMENT BOARD. AND THIS IS JOHN CAFFREY, THE
10 CHAIRMAN OF THE STATE WATER RESOURCES BOARD.

11 TO GET US STARTED, I'D LIKE TO HAVE
12 OUR SECRETARY, THE WASTE BOARD SECRETARY, CALL
THE
13 ROLL, PLEASE.

14 WASTE BOARD SECRETARY: BOARD MEMBER
15 CHESBRO.

16 BOARD MEMBER CHESBRO: HERE.

17 WASTE BOARD SECRETARY: FRAZEE.

18 BOARD MEMBER FRAZEE: HERE.

19 WASTE BOARD SECRETARY: GOTCH.

20 BOARD MEMBER GOTCH: HERE.

21 WASTE BOARD SECRETARY: JONES.

22 BOARD MEMBER JONES: HERE.

23 WASTE BOARD SECRETARY: RELIS.

24
25

BOARD MEMBER RELIS: HERE.
WASTE BOARD SECRETARY: CHAIRMAN

1 PENNINGTON.

2 CHAIRMAN PENNINGTON: HERE.

3 WE HAVE A QUORUM. AND I'LL LET YOU
4 OPEN --

5 CHAIRMAN CAFFREY: THANK YOU, CHAIRMAN
6 PENNINGTON. WE USE A LITTLE BIT DIFFERENT STYLE.
7 WE DECLARE OUR QUORUM BY AN INTRODUCTION OF THE
8 BOARD MEMBERS FROM THE CHAIR. AS CHAIRMAN
9 PENNINGTON STATED EARLIER, I AM JOHN CAFFREY,
10 CHAIRMAN OF THE STATE WATER RESOURCES CONTROL
11 BOARD. TO MY IMMEDIATE RIGHT IS OUR BOARD'S
12 PUBLIC MEMBER, MARY JANE FORSTER. NEXT TO MS.
13 FORSTER IS OUR BOARD'S ATTORNEY MEMBER, MARC DEL
14 PIERO. AND NEXT TO MR. DEL PIERO IS OUR BOARD'S
15 ENGINEERING MEMBER, JAMES STUBCHAER. WE HAVE ONE
16 OTHER ENGINEERING MEMBER, JOHN BROWN, WHO HAS BEEN
17 CALLED AWAY TODAY FOR A FAMILY EMERGENCY, AND WE
18 WISH HIM WELL. THANK YOU, CHAIRMAN PENNINGTON.

19 CHAIRMAN PENNINGTON: THANK YOU. WE HAVE
20 A COUPLE OF LITTLE RITUALS WE HAVE TO GO THROUGH
21 WITH THE BOARD. FIRST I HAVE TO ASK IF ANYBODY
22 HAS ANY EX PARTE COMMUNICATIONS RELATIVE TO THE
23 FUNCTION THIS AFTERNOON.

24 BOARD MEMBER CHESBRO: I SAID HI TO
25 LARSON, BUT NOT AN EX PARTE, I DON'T THINK.

1 CHAIRMAN PENNINGTON: OKAY. OKAY. GOOD.
2 WELL, THEN ON BEHALF OF THE MEMBERS OF THE
3 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD, I
4 WANT TO THANK THE WASTE BOARD AND THE WATER BOARD
5 STAFFS FOR THEIR EFFORTS AND COOPERATION IN
6 DEVELOPING THE 1220 REGULATIONS. AB 1220 BECAME
7 LAW IN 1993, AND IT REQUIRES THAT WE DEVELOP
8 REGULATIONS THAT ELIMINATE REGULATORY OVERLAP,
9 DUPLICATION, AND CONFLICTS BETWEEN OUR TWO BOARDS
10 IN THE REGULATION OF SOLID WASTE FACILITY SITES.

11 TO ACCOMPLISH THIS, OUR BOARDS HAVE
12 CONSOLIDATED LANDFILLS AND DISPOSAL SITE
13 REGULATIONS, REMOVED OVERLAP WITHOUT REDUCING THE
14 STANDARDS FOR ENVIRONMENTAL PROTECTION. WE HAVE
15 STREAMLINED THE PERMITTING PROCESS. SINCE 1993 WE
16 HAVE MOVED THROUGH A PROCESS THAT INCLUDED WORKING
17 GROUPS, INTERNAL SUBCOMMITTEES, INFORMAL DRAFT
18 REGULATIONS CIRCULATED TO INTERESTED PARTIES, AND
19 THREE COMMENT PERIODS TO THE FINAL ADOPTION OF
20 THESE REGULATIONS.

21 IT HAS BEEN A LONG JOURNEY. SOME OF
22 YOU PROBABLY THOUGHT THAT IT WOULD NEVER COME TO
23 AN END. TO ALL WHO HAVE PARTICIPATED, YOU HAVE
24 OUR GRATITUDE FOR PRESENTING A COMPLETE SET OF
25 REGULATIONS. THANK YOU.

1 MR. CAFFREY.

2 CHAIRMAN CAFFREY: THANK YOU, MR.

3 CHAIRMAN. I WOULD ONLY ADD TO THAT MY STRONG
4 ENDORSEMENT OF YOUR COMMENT OF COMPLIMENT TO OUR
5 JOINT STAFFS AND TO ALL THE PARTIES THAT
6 PARTICIPATED AS IT IS A REMARKABLE EFFORT. AND I
7 LIKE TO THINK OF US TODAY AS MAKING HISTORY, SMALL
8 PART OF HISTORY THOUGH IT MIGHT BE. IT'S A
9 BEGINNING, AND WE LOOK FORWARD TO A CLOSE WORKING
10 RELATIONSHIP WITH YOUR BOARD AS TIME GOES ON.

11 WITH THAT, PERHAPS WE SHOULD GET ON
12 WITH IT. LET ME SAY THAT WE HAVE TWO SUBMITTAL
13 CARDS FOR SPEAKERS. IF YOU WISH TO ADDRESS THE
14 BOARD -- THE BOARD JOINTLY TODAY, YOU NEED TO FILL
15 OUT A BLUE CARD, SUCH AS THE ONE I'M HOLDING UP,
16 AND GET IT TO MAUREEN MARCHE, THE LADY WITH THE
17 RED HAIR AND GREEN SWEATER BEHIND THE
18 STENOGRAPHER. EXCUSE ME, MAUREEN. PLEASE DO SO
19 IMMEDIATELY SO THAT THE BOARDS HAVE SOME KIND OF
20 AN IDEA HOW MUCH THEY NEED TO MANAGE THIS
21 AFTERNOON.

22 AS I SAY, WE ONLY HAVE TWO CARDS
23 NOW, AND WITH YOUR AGREEMENT, MR. CHAIRMAN, WE'LL
24 JUST GO DIRECTLY TO THOSE. FIRST WE HAVE LARRY
25 SWEETSER FROM NORCAL WASTE SYSTEMS. GOOD

1 AFTERNOON, SIR, AND WELCOME.

2 MR. SWEETSER: GOOD AFTERNOON, CHAIRMANS
3 AND MEMBERS OF THE COMMITTEE, THE BOARDS. MY NAME
4 IS LARRY SWEETSER, DIRECTORY OF REGULATORY AFFAIRS
5 FOR NORCAL WASTE SYSTEMS, ONE OF THOSE PARTIES
6 THAT'S BEEN IN THIS PROCESS FROM THE BEGINNING.
7 AND IT'S FINALLY HERE, THE END OF A LONG, LONG,
8 LONG ROAD ON AB 1220 REGULATIONS.

9 I'D ALSO LIKE TO COMPLIMENT THE
10 STAFFS ON THEIR EXTRAORDINARY EFFORTS. IN
11 PARTICULAR I THINK AT THE WASTE BOARD SHARON
12 ANDERSON, SUE MARKEY, SUZANNE HAMBLETON, AND
13 GEORGIANNE TURNER; AND ON THE WATER BOARD SIDE,
14 LISA BABCOCK, LIZ HAVEN, ED WOSIKA. IT'S BEEN A
15 PLEASURE WORKING WITH THEM ON THIS PROCESS. WE
16 LOOK FORWARD TO IT.

17 I THINK THEY'VE BEEN HIT FROM ALL
18 ANGLES. I'M SURE THEY CAN SHOW YOU THE BRUISES,
19 BUT THEY NEVER LOST PERSPECTIVE IN THE WHOLE
20 PROCESS, AND THAT'S PROFESSIONALISM.

21 I THINK WHAT WE HAVE IS A GOOD
22 WORKING PRODUCT. WE CAN ALL LIVE WITH IT. IT'S
23 NEVER PERFECT. THERE'S STILL ISSUES TO ADDRESS,
24 BUT A LOT OF THOSE HOPEFULLY WILL BE ADDRESSED
25 AFTER; HENCE, PART OF PHASE II. THIS PACKAGE

1 ACCOMPLISHES THE OBJECTIVES OF CONSOLIDATION AND
2 DELINEATION AS BEST AS POSSIBLE UNDER THE
3 CIRCUMSTANCES.

4 TWO THINGS I'D LIKE MENTION. ONE IS
5 IMPLEMENTATION AND THE OTHER IS THE PHASE II.
6 UNDER IMPLEMENTATION I'M SURE SOME OF THE CHANGES
7 THAT WE'VE DONE WILL -- SOME OF THESE NEW AND
8 SIMPLE CHANGES MAY BE A PROBLEM DOWN THE ROAD. I
9 HOPE THAT WE CAN LOOK AT THOSE AND ADDRESS THOSE
10 WITH SOME LATITUDE AS TO WHAT THOSE MEAN AT THIS
11 POINT UNTIL WE CAN HAVE SOME TIME TO FIGURE THOSE
12 OUT. I'D REQUEST ALMOST THAT A MESSAGE GO OUT TO
13 THE REGIONAL BOARDS AND TO THE LEA'S TO LOOK AT IT
14 IN THAT FASHION BECAUSE I VIEW IT AS SORT OF AN
15 INTERIM PRODUCT AT THIS POINT.

16 I THINK WE'VE ACCOMPLISHED THE TWO
17 MAIN STEPS AT THIS POINT. ONE, WE GOT
18 LEGISLATION. THESE REGULATIONS ARE THE NEXT STEP,
19 AND THEN WE GET ON TO THE REALITY OF THE
20 IMPLEMENTATION. EVERY DAY WE'RE GOING TO FIND NEW
21 ISSUES THAT COME UP. THEY'RE GOING TO RAISE MANY
22 FUNDAMENTAL QUESTIONS. I THINK WE'VE ALREADY SEEN
23 SOME OF THAT. I HOPE WE CAN ADDRESS THOSE IN A
24 CALM AND THOUGHTFUL PROCESS WITHOUT TICKING CLOCKS
25 AND PERMITS PENDING. IT'S MY SINCERE HOPE AS WE

1 GO FORWARD.

2 AND AS FAR AS PHASE II, THERE'S MANY
3 ISSUES TO ADDRESS. I THINK THOSE OF US IN THE
4 SOLID WASTE INDUSTRY WOULD LIKE TO TAKE A FRESH
5 LOOK AT EVERYTHING. AS I MENTIONED BEFORE AT THE
6 OTHER MEETING, WE WOULD LIKE TO LOOK AT THE ENTIRE
7 SPECTRUM IN SHAPING THE REGULATIONS THE WAY THEY
8 SHOULD BE.

9 A COUPLE OF OUR GUIDING PRINCIPLES
10 GOING INTO THAT ARE TO COME UP WITH THE MOST
11 APPROPRIATE REGULATIONS FOR LANDFILLS IN
12 CALIFORNIA. SOME OF THIS MAY NEED ADDITIONAL
13 REGULATORY CHANGE; SOME WILL PROBABLY NEED STATUTE
14 CHANGES; SOME WILL PROBABLY EVEN NEED TO GO BACK
15 TO FEDERAL EPA TO GET CLARIFICATION FROM THEM.

16 I THINK WE'VE ALL LEARNED THAT
17 THROUGH THIS PROCESS THAT THE INFORMALITY PROCESS
18 IN TRYING TO GET INPUT FROM PARTIES FIRST AND THEN
19 WE HAVE FORMAL PACKAGES, I THINK, IS THE MOST
20 HELPFUL WAY TO DO THIS. THOSE OF US IN THE SOLID
21 WASTE INDUSTRY ARE STILL TRYING TO COMPILE OUR
22 JOINT WISH LIST. WE HOPE TO GET THAT TO YOU SOON.

23 FROM NORCAL STAFF, OUR TWO
24 PRIORITIES WILL BE PERMITTING AND CLOSURE AND
25 POSTCLOSURE ISSUES, PARTICULARLY IN REGARDS TO

1 MONOLITHIC COVER AND PARTIAL FINAL CLOSURE ISSUES,
2 AND WE HAVE MANY PROJECTS PENDING ON THAT WE'D
3 LIKE SOME CLARIFICATION ON.

4 WE'VE BEEN TO THE WATER BOARDS FOR
5 TWO MEETINGS ON PHASE II. WE'VE LOOKED AT MANY
6 ISSUES. WE'VE -- I THINK ALL OF US HAVE
7 UNDERSTOOD BETTER A LOT OF THOSE ISSUES AND WHERE
8 THEY NEED TO BE. AND ACTUALLY I THINK SOME OF IT
9 HAS ACTUALLY BEEN FUN. WE HAVEN'T HAD LEGISLATION
10 AT OUR BACKS OR OTHER ISSUES PENDING. WE'VE HAD
11 TIME TO LOOK AT THINGS THE WAY THEY SHOULD.

12 SO WE'D URGE YOU. LET'S GET MOVING.
13 LET'S IDENTIFY SOME OF THOSE PRIORITIES. SOME OF
14 THEM CAN BE RUN CONCURRENTLY. I THINK WE CAN
15 FIGURE OUT WHAT IS URGENT AND WHAT IS EASY. SOME
16 OF THOSE THINGS ARE GOING TO TAKE AWHILE THAT ARE
17 URGENT. LET'S GET STARTED NOW, SOME OF THOSE EASY
18 THINGS. WE THINK WE CAN GET STARTED NOW. I THINK
19 THERE WAS A LOT OF CONSENSUS ON SOME OF THOSE
20 ISSUES.

21 SO IN CONCLUSION, I'D JUST URGE
22 ADOPTION OF THESE REGULATIONS. LET'S GET THEM
23 OVER WITH. LET'S GET ON WITH IT. CONSOLIDATION
24 WAS THE EASY PART, AS FAR AS I'M CONCERNED. I
25 THINK WE'VE TURNED THAT CORNER OF A LITTLE HIKING

1 TRIAL, AND NOW WE'RE LOOKING AT THE FREEWAY. I'VE
2 ALWAYS TERMED THIS 1220 PROCESS AS A CUT AND
3 PASTE. WELL, THE CUT AND PASTE IS OVER. LET'S
4 PUT AWAY THE GLUE AND SCISSORS. I THINK IT'S TIME
5 TO TAKE OUT THE PENCIL AND THE ERASER TO THE
6 REGULATIONS AND LET'S SHAPE THE REGULATIONS THE
7 WAY THEY SHOULD BE TO MAKE CALIFORNIA'S LANDFILLS
8 THE BEST. AND I LOOK FORWARD TO A VERY FUN
9 PROCESS. THANK YOU VERY MUCH.

10 CHAIRMAN PENNINGTON: THANK YOU, MR.
11 SWEETSER. I WONDERED IF ANYONE HAD ANY QUESTIONS
12 OF MR. SWEETSER. THANK YOU.

13 CHAIRMAN CAFFREY: ANYTHING FROM THE
14 WATER BOARD MEMBERS? ALL RIGHT. THANK YOU, SIR.
15 BRIAN ZAMORA. I APOLOGIZE IN ADVANCE IF I
16 MISPRONOUNCE ANYBODY'S NAME. PLEASE CORRECT ME
17 WHEN YOU COME TO THE PODIUM.

18 MR. ZAMORA: GOOD AFTERNOON, CHAIRMAN
19 CAFFREY, CHAIRMAN PENNINGTON, MEMBERS OF THE STATE
20 WATER RESOURCES CONTROL BOARD, MEMBERS OF THE
21 INTEGRATED WASTE MANAGEMENT BOARD. I SEE SOME
22 FAMILIAR FACES FROM MY YEARS IN THIS BUSINESS.
23 JIM, HOW YOU DOING? HE SAT ON THE SUBDIVISION
24 COMMITTEE MANY YEARS AGO IN SANTA BARBARA. PAUL
25 RELIS.

1 I JUST HAVE SOME BRIEF --

2 BOARD MEMBER DEL PIERO: WE WON'T HOLD
3 THAT AGAINST YOU.

4 MR. ZAMORA: THE CALIFORNIA CONFERENCE OF
5 DIRECTORS OF ENVIRONMENTAL HEALTH, SOLID WASTE
6 POLICY COMMITTEE, HAS A LETTER INTO CHAIRMAN
7 PENNINGTON, AND I'LL JUST TOUCH ON TWO POINTS.

8 I'M HERE AS A VICE CHAIR OF THAT
9 COMMITTEE. I'M ALSO THE DIRECTOR OF ENVIRONMENTAL
10 HEALTH FOR THE COUNTY OF SAN MATEO WHERE WE ARE
11 THE LEA. WE'RE HERE TO SUPPORT THIS EFFORT, THIS
12 MONUMENTAL EFFORT IN CRAFTING THE 1220
13 REGULATIONS.

14 IN PARTICULAR, THE -- I WANT TO
15 SUPPORT THE REMOVAL OF THE REQUIREMENT THAT A
16 REGISTERED CIVIL ENGINEER BE EMPLOYED BY AN LEA TO
17 OVERSEE THOSE PARTS OF THE REGULATIONS WHERE AN
18 ENGINEER IS REQUIRED TO PROPOSE THE DOCUMENT.

19 LET ME CLOSE BY SAYING THAT -- BY
20 OFFERING CONGRATULATIONS TO BOTH STAFF FOR THIS
21 ENORMOUS TASK. IT GOES A LONG WAY TO IMPROVE THE
22 PUBLIC HEALTH AND PROTECT THE ENVIRONMENT. AND
23 I'D BE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT
24 HAVE

25 CHAIRMAN CAFFREY: THANK YOU, SIR.

1 CHAIRMAN PENNINGTON: WE HAVE ANY
2 QUESTIONS? THANK YOU.

3 CHAIRMAN CAFFREY: ANY QUESTIONS FROM THE
4 STATE BOARD -- STATE WATER BOARD MEMBERS, I SHOULD
5 DISTINGUISH. I MIGHT ALSO OBSERVE THAT IN MY
6 HASTE TO DO THIS GOOD ACT TODAY, I OVERLOOKED OUR
7 STAFF AND INTEGRATED WASTE MANAGEMENT BOARD STAFF
8 AS WELL. IT MAY BE A LITTLE BIT LATE IN THE
9 PROCESS TO ASK FOR THOSE PRESENTATIONS, BUT UNLESS
10 YOU WISH TO DO SO, CHAIRMAN PENNINGTON, WE'RE
11 MOVING ALONG RATHER SMOOTHLY. I THINK ALL THE
12 BOARD MEMBERS AND THE AUDIENCE KNOW WHAT THE ISSUE
13 IS. I APOLOGIZE FOR THAT OVERSIGHT. THAT
14 COMPLETES THE CARDS THAT WE HAVE FOR COMMENT.

15 CHAIRMAN PENNINGTON: MR. CHESBRO.

16 BOARD MEMBER CHESBRO: I HAVE A COUPLE
17 QUESTIONS FOR STAFF, IF I MAY.

18 CAN WE HAVE A BRIEF SUMMARY? WOULD
19 YOU GIVE US THE PICTURE OF ISSUES THAT HAVE BEEN
20 MOVED TO PHASE II, JUST SORT OF WHAT THOSE ARE?

21 MS. ANDERSON: I'M HAVING TROUBLE WITH MY
22 MICROPHONE. THAT'S OKAY. SOME OF THE ISSUES THAT
23 WERE BROUGHT UP IN THE EARLY STAGES OF THIS REG
24 DEVELOPMENT PACKAGE WERE VIEWED AS A LITTLE BIT
25 CONTROVERSIAL AND NEEDED MORE TIME TO CHEW ON.

1 ONE OF THOSE THINGS WAS THE ALTERNATIVE DAILY
2 COVER REGULATIONS. THOSE AREN'T THE ONES ABOUT,
3 YOU KNOW, HOW MANY COUNTS. IT'S THE ONES THAT
4 ACTUALLY WHAT YOU CAN DO AT A LANDFILL WHEN YOU
5 PLACE ALTERNATIVE DAILY COVER.

6 OTHER AREAS THAT WE WERE LOOKING AT
7 WERE REVISING THE GAS STANDARDS, LANDFILL GAS
8 STANDARDS. RIGHT NOW THE CURRENT REGULATIONS, THE
9 ONES THAT ARE IN FRONT OF YOU, ARE SIMPLY THE
10 EXISTING TITLE 14 GAS STANDARDS. WE HAD A LOT OF
11 FEEDBACK ON THOSE, AND WE BASICALLY STAYED THE
12 SAME THROUGH THIS RULEMAKING. ANY FUTURE
13 RULEMAKING WILL INVOLVE A REVISION OF THOSE.

14 WE ALSO HAD SOME AREAS -- TECHNICAL
15 AREA IN THE CLOSURE PLANS AND CLOSURE STANDARDS
16 THAT I THINK OUR STAFF ARE GOING TO BE TAKING A
17 LOOK AT. AND THE LEA CERTIFICATION, THE WHOLE
18 ENTIRE LEA CERTIFICATION AND EVALUATION PROGRAM,
19 THE REGULATIONS SURROUNDING THAT, I BELIEVE WE'RE
20 ALSO GOING TO BE TAKING A LOOK AT THOSE, AND THE
21 LEA GRANTS. THOSE ARE ALSO UNDER REVIEW.

22 MS. RICE: THERE AREN'T NECESSARILY OTHER
23 AREAS, BUT I THINK, AT LEAST FOR THE INTEGRATED
24 WASTE MANAGEMENT BOARD, THE DISTINCTION FOR US WAS
25 THAT THE PACKAGE AT THE OUTSET WAS VERY LENGTHY

1 AND, IN FACT, INCLUDED MANY ISSUES THAT STAFF HAD
2 WISHED TO ADDRESS AS TECHNICAL CLEANUP OR AS TIME
3 TO REVISE THOSE REGULATIONS, BUT THEY WERE NOT
4 ISSUES THAT THE AB 1220 STATUTE HAD DIRECTLY
5 ADDRESSED.

6 SO AT ONE POINT IN THE PROCESS, WHEN
7 WE WERE GETTING A LOT OF COMMENT ON THOSE ASPECTS
8 THAT WERE NOT 1220, A DECISION WAS MADE TO PARE
9 THE PACKAGE BACK TO DEAL WITH 1220 AND TO PUT
10 THOSE OTHER ISSUES ASIDE FOR A SUBSEQUENT
11 RULEMAKING. SO THE PHRASE "PHASE II 1220 ISSUES,"
12 AT LEAST FROM A WASTE BOARD PERSPECTIVE, AND I
13 CAN'T SPEAK FOR THE WATER BOARD ISSUES, WERE NOT
14 VIEWED AS 1220 ISSUES. THEY'RE SIMPLY OTHER
15 REGULATORY NEEDS THAT WE HAVE.

16 BOARD MEMBER CHESBRO: I HAVE ONE
17 ADDITIONAL QUESTION IF STAFF'S THROUGH RESPONDING
18 TO THAT.

19 THE OTHER THING -- AND I APOLOGIZE
20 FOR NOT HAVING ATTENDED ALL THE HEARINGS MYSELF --
21 BUT I UNDERSTAND THAT THERE WAS A LIST OF ISSUES
22 RAISED BY THE NATURAL RESOURCES DEFENSE COUNCIL.
23 AND I WAS WONDERING IF YOU COULD SUMMARIZE THE
24 MAIN POINTS AND WHAT -- HOW THEY WERE RESPONDED
25 TO.

1 MS. ANDERSON: CERTAINLY. I THINK, ALSO
2 WITH THE ASSISTANCE OF MR. RELIS THERE, I CAN MAKE
3 A GOOD STAB AT THAT. A LOT OF THE ISSUES THE NRDC
4 BROUGHT UP WERE REALLY INTERESTING WHEN I DELVED
5 INTO THEM. THAT'S A STARTER. WHAT WE HAD DONE
6 WITH THE PROPOSED REGULATIONS WAS WE WERE ADDING
7 SOME THINGS WITH THE PROPOSED REGULATIONS TO TAKE
8 THE PLACE OF SOME OF THE WATER QUALITY ASPECTS
9 THAT WERE REMOVED. AND SO WHENEVER WE CHANGED
10 PROPOSED LANGUAGE, NRDC SAW THAT WE WERE CHANGING
11 PROPOSED LANGUAGE, AND THEY TOLD US THAT THAT
12 WASN'T OKAY BECAUSE WE WERE REDUCING ENVIRONMENTAL
13 CONTROL WHEN IN ACTUALITY THE TITLE 14 STANDARDS
14 STILL EXISTED AND WAS STILL INTACT IN OUR
15 REGULATIONS.

16 SO WE ACTUALLY -- WHAT WE HAD TO GET
17 CLEAR WITH THEM WAS THAT THERE WAS NOT A REDUCTION
18 IN ENVIRONMENTAL CONTROL WITHIN THESE PROPOSED
19 REGULATIONS. WE WERE ACTUALLY ADDING SOME OTHER
20 THINGS AND MAKING CHANGES TO THE NEW WORDS. SO I
21 THINK MR. RELIS MET WITH MS. MARIN OF NATURAL
22 RESOURCES --

23 BOARD MEMBER RELIS: WENT OVER THOSE
24 CONCERNS POINT BY POINT, LIKE WHERE THERE WAS
25 CONFUSION ABOUT, JUST AS SHARON SAID, THERE WAS

1 CONFUSION WHERE SOMETHING WAS PROPOSED -- A
2 PROPOSED CHANGE, NRDC IN SOME CASES THOUGHT THAT
3 MEANT A CHANGE IN REGULATION WHEN THERE WAS NO
4 SUCH REGULATION. AND SO THOSE POINTS WERE
5 CLEARED. THERE WERE -- I STILL THINK THEY HAVE A
6 FEW AREAS THEY PROBABLY DISAGREE ON.

7 MS. ANDERSON: RIGHT. WE DID REMOVE A
8 FEW OTHER STANDARDS THAT WERE DUPLICATIVE WITHIN
9 OUR OWN REQUIREMENTS THAT COULD BE ABSORBED
10 ELSEWHERE. WE REMOVED THEM AND ABSORBED THEM IN
11 OTHER AREAS SO THAT WE WOULDN'T HAVE SO MANY
12 DOUBLE JEOPARDY STANDARDS, WHICH IS ONE OF THE
13 THINGS THAT OUR INSPECTORS FACE. YOU CITE AN ODOR
14 VIOLATION, THEN YOU CITE A NUISANCE VIOLATION WHEN
15 YOU SHOULD ONLY CITE A NUISANCE VIOLATION BECAUSE
16 AN ODOR WAS CAUSING A NUISANCE.

17 SO WHAT WE DID WAS KIND OF CLUMPED A
18 LOT OF THINGS TOGETHER IN OUR PROCESS. SO WE
19 DIDN'T REDUCE ENVIRONMENTAL QUALITY AS FAR AS I
20 VIEWED. AND I THINK WE'VE ADDRESSED A LOT OF
21 THEIR CONCERNS IN RESPONSE TO COMMENTS AND ALSO IN
22 A SHORT ISSUE MEMO THAT I PUT TOGETHER FOR MR.
23 RELIS.

24 BOARD MEMBER RELIS: GIVEN -- IN PHASE II
25 WILL WE ADDRESS THE MATTER THAT -- I KNOW THIS

1 BOARD, THE WASTE BOARD, HEARD YESTERDAY AN ITEM
2 WHERE THERE WAS A QUESTION ABOUT WHAT SHOULD BE IN
3 THEIR PERMIT AND WHAT SHOULDN'T BE IN A POST-1220
4 ENVIRONMENT.

5 MS. RICE: WE WILL BE DOING A REVIEW OF
6 THOSE ISSUES AND HAVE NOT YET DETERMINED WHETHER
7 IT REQUIRES REGULATORY CHANGE OR IN SOME INSTANCES
8 STATUTORY CHANGE OR CAN BE HANDLED IN OTHER WAYS.
9 SO WE SIMPLY HAVEN'T DELVED INTO IT ENOUGH YET TO
10 KNOW WHAT ASPECT WOULD BE REGULATORY.

11 CHAIRMAN PENNINGTON: ANY OTHER
12 QUESTIONS? MR. CAFFREY.

13 CHAIRMAN CAFFREY: DO ANY OF THE MEMBERS
14 OF THE STATE WATER RESOURCES CONTROL BOARD HAVE
15 QUESTIONS? I CAN'T BELIEVE YOU DON'T HAVE A
16 QUESTION.

17 BOARD MEMBER DEL PIERO: DON'T PUSH YOUR
18 LUCK, JOHN.

19 CHAIRMAN PENNINGTON: I DIDN'T THINK THAT
20 FORMER SUPERVISORS WERE EVER ALLOWED NOT TO TALK.

21 BOARD MEMBER CHESBRO: TAKE THAT COMMENT
22 FROM OUR CHAIRMAN PERSONALLY, MARC. I THINK HE'S
23 TALKING ABOUT SOMETHING ELSE.

24 BOARD MEMBER DEL PIERO: THAT'S OKAY,
25 WES. COUPLE OF MORE OF US UP HERE AND WE'LL BE

1 OKAY.

2 CHAIRMAN CAFFREY: I GUESS WE GOT A LOT
3 OUT OF OUR SYSTEM AT THIS MORNING'S BOARD MEETING.

4 CHAIRMAN PENNINGTON: WELL, IF THERE'S NO
5 FURTHER QUESTIONS, I THINK WE'RE PREPARED TO TAKE
6 OUR OFFICIAL ACTION, WHICH REQUIRES, FIRST, A VOTE
7 ON OUR NEGATIVE DECLARATION AND THEN THE
8 REGULATIONS. SO IF THE SECRETARY WILL CALL THE
9 ROLL. WE NEED A MOTION.

10 BOARD MEMBER FRAZEE: MR. CHAIRMAN, I'LL
11 MOVE THAT THE WASTE BOARD ADOPT THE NEGATIVE
12 REGULATIONS ON THE -- READ THE WHOLE TITLE HERE --
13 CONSIDERATION OF -- JUMP DOWN -- NEGATIVE
14 DECLARATION ON THE CIWMB PORTION OF THE COMBINED
15 STATE WATER RESOURCES CONTROL BOARD AND CALIFORNIA
16 INTEGRATED WASTE MANAGEMENT BOARD TITLE 27
17 PROPOSED REGULATIONS IMPLEMENTING AB 1220.

18 BOARD MEMBER JONES: I SECOND.

19 CHAIRMAN PENNINGTON: WE HAVE A MOTION
20 AND IT'S SECONDED. WILL THE SECRETARY CALL THE
21 ROLL.

22 WASTE BOARD SECRETARY: BOARD MEMBER
23 CHESBRO.

24 BOARD MEMBER CHESBRO: AYE.

25 WASTE BOARD SECRETARY: FRAZEE.

1 BOARD MEMBER FRAZEE: AYE.

2 WASTE BOARD SECRETARY: GOTCH.

3 BOARD MEMBER GOTCH: AYE.

4 WASTE BOARD SECRETARY: JONES.

5 BOARD MEMBER JONES: AYE.

6 WASTE BOARD SECRETARY: RELIS.

7 BOARD MEMBER RELIS: AYE.

8 WASTE BOARD SECRETARY: CHAIRMAN

9 PENNINGTON.

10 CHAIRMAN PENNINGTON: AYE.

11 BOARD MEMBER FRAZEE: AND THEN I BELIEVE

12 A MOTION TO ADOPT THE REGULATIONS THEMSELVES.

13 I'LL MOVE THAT.

14 BOARD MEMBER GOTCH: I'LL SECOND.

15 CHAIRMAN PENNINGTON: IT'S BEEN MOVED

AND

16 SECONDED TO ADOPT THE REGULATIONS. WILL THE

17 SECRETARY CALL THE ROLL.

18 WASTE BOARD SECRETARY: BOARD MEMBER

19 CHESBRO.

20 BOARD MEMBER CHESBRO: AYE.

21 WASTE BOARD SECRETARY: FRAZEE.

22 BOARD MEMBER FRAZEE: AYE.

23 WASTE BOARD SECRETARY: GOTCH.

24 BOARD MEMBER GOTCH: AYE.

25 WASTE BOARD SECRETARY: JONES.

1 BOARD MEMBER JONES: AYE.

2 WASTE BOARD SECRETARY: RELIS.

3 BOARD MEMBER RELIS: AYE.

4 WASTE BOARD SECRETARY: CHAIRMAN
5 PENNINGTON.

6 CHAIRMAN PENNINGTON: AYE.

7 CHAIRMAN CAFFREY: THE MATTER IS NOW
8 BEFORE THE STATE WATER BOARD. IT IS TO THE STATE
9 WATER BOARD TO VOTE ON THE REGULATIONS ONLY, THE
10 ONE ITEM. IS THAT NOT CORRECT, MS. MARCHE? WILL
11 YOU PLEASE CALL THE ROLL. GETTING AHEAD. THESE
12 CHAIRS ARE GET CONFUSING. MUST BE THE SITTING
13 SIDE BY SIDE.

14 IT'S BEEN MOVED BY MS. FORSTER AND
15 SECONDED BY WHOM, DID I HEAR, BY MR. DEL PIERO.
16 MS. MARCHE, PLEASE CALL THE ROLL.

17 WATER BOARD SECRETARY: MS. FORSTER.

18 BOARD MEMBER FORSTER: AYE.

19 WATER BOARD SECRETARY: MR. DEL PIERO.

20 BOARD MEMBER DEL PIERO: AYE.

21 WATER BOARD SECRETARY: MR. STUBCHAER.

22 BOARD MEMBER STUBCHAER: AYE.

23 WATER BOARD SECRETARY: MR. CAFFREY.

24 CHAIRMAN CAFFREY: AYE.

25 CHAIRMAN PENNINGTON: VERY GOOD.

1 CHAIRMAN CAFFREY: CONGRATULATIONS.

2 CHAIRMAN PENNINGTON: THANK YOU.

3 CONGRATULATIONS TO YOU.

4 CHAIRMAN CAFFREY: THE REGULATIONS ARE
5 ADOPTED.

6 CHAIRMAN PENNINGTON: THAT CONCLUDES. I
7 JUST WANT TO SAY THAT THIS HAS BEEN AN INTERESTING
8 EXPERIENCE. AND I GUESS WHEN WE TAKE UP PHASE II,
9 WE CAN DO IT AGAIN. AND THIS IS CERTAINLY THE
10 DIRECTION WE WISH TO BE GOING.

11 CHAIRMAN CAFFREY: THANKS TO YOU ALL. I
12 CAN ONLY SAY DITTO. AND THANK YOU FOR ATTENDING.

13

14 (END OF PROCEEDINGS AT 2:20 P.M.)

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